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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Kenneth Bryant,

Plaintiff,

v.

Phoenix Police Department, et al.,

Defendants.

No. CV 23-00313-PHX-JAT (CDB)

ORDER

Plaintiff Kenneth Bryant, who is not in custody, has filed a pro se civil rights Complaint pursuant to 42 U.S.C. § 1983 (Doc. 1) and an Application to Proceed Without Prepaying Fees or Costs (Doc. 2). The Court will dismiss the Complaint.

I. Application to Proceed

Plaintiff's Application to Proceed indicates that he lacks funds to pay for this action. Accordingly, the Court will grant the Application to Proceed. 28 U.S.C. § 1915(e). Plaintiff is not required to pay the filing fees for this action.

II. Statutory Screening of In Forma Pauperis Actions

Pursuant to 28 U.S.C. § 1915(e)(2), in a case in which a plaintiff has been granted in forma pauperis status, the Court

shall dismiss the case at any time if the court determines that– (A) the allegation of poverty is untrue; or (B) the action or appeal– (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.

1 28 U.S.C. § 1915(e)(2).

2 A pleading must contain a “short and plain statement of the claim *showing* that the
3 pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2) (emphasis added). While Rule 8 does
4 not demand detailed factual allegations, “it demands more than an unadorned, the-
5 defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678
6 (2009). “Threadbare recitals of the elements of a cause of action, supported by mere
7 conclusory statements, do not suffice.” *Id.*

8 “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a
9 claim to relief that is plausible on its face.’” *Id.* (quoting *Bell Atlantic Corp. v. Twombly*,
10 550 U.S. 544, 570 (2007)). A claim is plausible “when the plaintiff pleads factual content
11 that allows the court to draw the reasonable inference that the defendant is liable for the
12 misconduct alleged.” *Id.* “Determining whether a complaint states a plausible claim for
13 relief [is] . . . a context-specific task that requires the reviewing court to draw on its judicial
14 experience and common sense.” *Id.* at 679. Thus, although a plaintiff’s specific factual
15 allegations may be consistent with a constitutional claim, a court must assess whether there
16 are other “more likely explanations” for a defendant’s conduct. *Id.* at 681.

17 But as the United States Court of Appeals for the Ninth Circuit has instructed, courts
18 must “continue to construe *pro se* filings liberally.” *Hebbe v. Pliler*, 627 F.3d 338, 342
19 (9th Cir. 2010). A “complaint [filed by a *pro se* prisoner] ‘must be held to less stringent
20 standards than formal pleadings drafted by lawyers.’” *Id.* (quoting *Erickson v. Pardus*, 551
21 U.S. 89, 94 (2007) (per curiam)).

22 If the Court determines that a pleading could be cured by the allegation of other
23 facts, a *pro se* litigant is entitled to an opportunity to amend a complaint before dismissal
24 of the action. *See Lopez v. Smith*, 203 F.3d 1122, 1127-29 (9th Cir. 2000) (en banc).
25 Plaintiff’s Complaint will be dismissed for failure to state a claim, but because it may
26 possibly be amended to state a claim, the Court will dismiss it with leave to amend.

27 **III. Complaint**

28 In his Complaint, Plaintiff names the Phoenix Police Department (PPD), the City of

1 Phoenix, and City of Phoenix Mayor Kate Gallego as Defendants. Plaintiff alleges that he
 2 was searched and arrested by arrested by PPD without probable cause, for which he seeks
 3 monetary relief.

4 **IV. Failure to State a Claim**

5 To prevail in a § 1983 claim, a plaintiff must show that (1) acts by the defendants
 6 (2) under color of state law (3) deprived him of federal rights, privileges or immunities and
 7 (4) caused him damage. *Thornton v. City of St. Helens*, 425 F.3d 1158, 1163-64 (9th Cir.
 8 2005) (quoting *Shoshone-Bannock Tribes v. Idaho Fish & Game Comm’n*, 42 F.3d 1278,
 9 1284 (9th Cir. 1994)). In addition, a plaintiff must allege that he suffered a specific injury
 10 as a result of the conduct of a particular defendant and he must allege an affirmative link
 11 between the injury and the conduct of that defendant. *Rizzo v. Goode*, 423 U.S. 362, 371-
 12 72, 377 (1976).

13 As an initial matter, Plaintiff makes no allegations against Gallego or the City of
 14 Phoenix. Accordingly, they will be dismissed.

15 Further, the Phoenix Police Department is not a proper Defendant. Although
 16 municipalities, such as cities and counties, are included among those “persons” who may
 17 be sued under § 1983, *Monell v. Department of Social Services of New York*, 436 U.S. 658,
 18 690 (1978), the Phoenix Police Department is a subpart of the City of Phoenix, not a
 19 separate entity for purposes of suit. *Gotbaum v. City of Phoenix*, 617 F. Supp. 2d 878, 886
 20 (D. Ariz. 2008); *see Braillard v. Maricopa County*, 232 P.3d 1263, 1269 (Ariz. Ct. App.
 21 2010) (county sheriff’s office is a nonjural entity); *see also Vincente v. City of Prescott*,
 22 2012 WL 1438695 (D. Ariz. 2012) (city fire department is a nonjural entity); *Wilson v.*
 23 *Yavapai Cnty.*, 2012 WL 1067959 (D. Ariz. 2012) (county sheriff’s office and county
 24 attorney’s office are nonjural entities). Accordingly, the Phoenix Police Department will
 25 be dismissed as a Defendant.

26 Even if the Court construed Plaintiff as suing the City of Phoenix, he still fails to
 27 state a claim. A municipality may not be sued solely because an injury was inflicted by its
 28 employees or agents. *Long v. County of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir. 2006).

1 The actions of individuals may support municipal liability only if the employees were
 2 acting pursuant to an official policy or custom of the municipality. *Botello v. Gammick*,
 3 413 F.3d 971, 978-79 (9th Cir. 2005). A § 1983 claim against a municipal defendant
 4 “cannot succeed as a matter of law” unless a plaintiff: (1) alleges that the municipal
 5 defendant maintains a policy or custom pertinent to the plaintiff’s alleged injury; and (2)
 6 explains how such policy or custom caused the plaintiff’s injury. *Sadoski v. Mosley*, 435
 7 F.3d 1076, 1080 (9th Cir. 2006) (affirming dismissal of a municipal defendant pursuant to
 8 Fed. R. Civ. P. 12(b)(6)). Plaintiff has alleged no facts to support that the City of Phoenix
 9 maintained a specific policy or custom that resulted in a violation of Plaintiff’s federal
 10 constitutional rights or that his injuries were caused by any municipal policy or custom.
 11 Accordingly, Plaintiff has failed to state a claim for which relief could be granted, and the
 12 Complaint will thus be dismissed.

13 **V. Leave to Amend**

14 Within 30 days, Plaintiff may submit a first amended complaint to cure the
 15 deficiencies outlined above. The Clerk of Court will mail Plaintiff a court-approved form
 16 to use for filing a first amended complaint.¹

17 Plaintiff must clearly designate on the face of the document that it is the “First
 18 Amended Complaint.” The first amended complaint must be retyped or rewritten in its
 19 entirety and may not incorporate any part of the original Complaint by reference. Plaintiff
 20 may include only one claim per count.

21 A first amended complaint supersedes the original Complaint. *Ferdik v. Bonzelet*,
 22 963 F.2d 1258, 1262 (9th Cir. 1992); *Hal Roach Studios v. Richard Feiner & Co.*, 896 F.2d
 23 1542, 1546 (9th Cir. 1990). After amendment, the Court will treat the original Complaint
 24 as nonexistent. *Ferdik*, 963 F.2d at 1262. Any cause of action that was raised in the
 25

26 ¹ Although Plaintiff is not a prisoner, and therefore not required to use the form, the
 27 Court recommends Plaintiff use this form to assist him in coherently presenting his claims
 28 to the Court. In addition, the Court suggests Plaintiff review the Court’s informational
 Handbook for Self-Represented Litigants, available at
<https://www.azd.uscourts.gov/handbook-self-represented-litigants>, prior to submitting an
 amended complaint.

1 original Complaint and that was voluntarily dismissed or was dismissed without prejudice
 2 is waived if it is not alleged in a first amended complaint. *Lacey v. Maricopa County*, 693
 3 F.3d 896, 928 (9th Cir. 2012) (en banc).

4 If Plaintiff files an amended complaint, Plaintiff must write short, plain statements
 5 telling the Court: (1) the constitutional right Plaintiff believes was violated; (2) the name
 6 of the Defendant who violated the right; (3) exactly what that Defendant did or failed to
 7 do; (4) how the action or inaction of that Defendant is connected to the violation of
 8 Plaintiff's constitutional right; and (5) what specific injury Plaintiff suffered because of
 9 that Defendant's conduct. *See Rizzo v. Goode*, 423 U.S. 362, 371-72, 377 (1976).

10 Plaintiff must repeat this process for each person he names as a Defendant. If
 11 Plaintiff fails to affirmatively link the conduct of each named Defendant with the specific
 12 injury suffered by Plaintiff, the allegations against that Defendant will be dismissed for
 13 failure to state a claim. **Conclusory allegations that a Defendant or group of**
 14 **Defendants has violated a constitutional right are not acceptable and will be**
 15 **dismissed.**

16 Plaintiff should also be aware that probable cause to arrest exists when, taking
 17 together the totality of circumstances known to the arresting officer, a prudent person
 18 would conclude that there was a fair probability that the arrested person committed a crime.
 19 *Gasho v. United States*, 39 F.3d 1420, 1428 (9th Cir. 1994). If a Defendant had probable
 20 cause, Plaintiff's arrest was lawful regardless of the officer's subjective motivation. *Tatum*
 21 *v. City & County of S.F.*, 441 F.3d 1090, 1094 (9th Cir. 2006).

22 Similarly, a seizure occurs when a "police officer accosts an individual and restrains
 23 his freedom to walk away." *Terry v. Ohio*, 392 U.S. 1, 16 (1968). "So long as a reasonable
 24 person would feel free to disregard the police and go about his business, the encounter is
 25 consensual and no reasonable suspicion is required." *Florida v. Bostick*, 501 U.S. 429,
 26 434 (1991) (internal quotations and citation omitted). The reasonable suspicion standard
 27 requires courts to consider "the 'totality of the circumstances' of each case to see whether
 28 the detaining officer has a 'particularized and objective basis' for suspecting legal

wrongdoing.” *Arvizu*, 534 U.S. at 273 (quotation omitted); *see Ramirez v. City of Buena Park*, 560 F.3d 1012, 1020 (9th Cir. 2009) (“an officer must be able to articulate facts creating grounds to suspect that criminal activity may be afoot”).

An officer must have “specific, articulable facts which, together with objective and reasonable inferences, form the basis for suspecting that the particular person detained is engaged in criminal activity.” *Liberal v. Estrada*, 632 F.3d 1064, 1077 (9th Cir. 2011) (quoting *United States v. Lopez-Soto*, 205 F.3d 1101, 1105 (9th Cir. 2000)). Under the reasonable suspicion standard, the officer must “demonstrate that the seizure [he] seeks to justify on the basis of a reasonable suspicion was sufficiently limited in scope and duration to satisfy the conditions of an investigative seizure.” *Royer*, 460 U.S. at 500. And “the means used in investigatory stops [must] be the least intrusive reasonably available.” *People of Territory of Guam v. Ichiyasu*, 838 F.2d 353, 356 (9th Cir. 1988). The reasonableness of a seizure is analyzed on a case-by-case basis. *United States v. Becerra-Garcia*, 397 F.3d 1167, 1174 (9th Cir. 2005).

VI. Warnings

A. Address Changes

If Plaintiff’s address changes, Plaintiff must file and serve a notice of a change of address in accordance with Rule 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other relief with a notice of change of address. Failure to comply may result in dismissal of this action.

B. Possible Dismissal

If Plaintiff fails to timely comply with every provision of this Order, including these warnings, the Court may dismiss this action without further notice. *See Ferdik*, 963 F.2d at 1260-61 (a district court may dismiss an action for failure to comply with any order of the Court).

IT IS ORDERED:

(1) Plaintiff’s Application to Proceed Without Prepaying Fees or Costs (Doc. 2) is **granted**. Plaintiff is not required to pay the filing fees for this action.

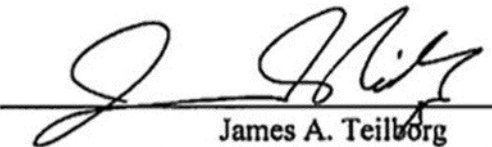
1 (2) The Complaint (Doc. 1) is **dismissed** for failure to state a claim. Plaintiff
2 has **30 days** from the date this Order is filed to file a first amended complaint in compliance
3 with this Order.

4 (3) If Plaintiff fails to file an amended complaint within 30 days, the Clerk of
5 Court must, without further notice, enter a judgment of dismissal of this action with
6 prejudice and deny any pending unrelated motions as moot.

7 (4) The Clerk of Court must mail Plaintiff a court-approved form for filing a
8 civil rights complaint by a prisoner.

9 Dated this 22nd day of March, 2023.

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James A. Teilborg
Senior United States District Judge

**Instructions for a Prisoner Filing a Civil Rights Complaint
in the United States District Court for the District of Arizona**

1. Who May Use This Form. The civil rights complaint form is designed to help incarcerated persons prepare a complaint seeking relief for a violation of their federal civil rights. These complaints typically concern, but are not limited to, conditions of confinement. **This form should not be used to challenge your conviction or sentence.** If you want to challenge a state conviction or sentence, you should file a petition under 28 U.S.C. § 2254 for a writ of habeas corpus by a person in state custody. If you want to challenge a federal conviction or sentence, you should file a motion under 28 U.S.C. § 2255 to vacate sentence in the federal court that entered the judgment.
2. The Form. **Local Rule of Civil Procedure (LRCiv) 3.4(a) provides that complaints by incarcerated persons must be filed on the court-approved form.** The form must be typed or neatly handwritten. The form must be completely filled in to the extent applicable. All questions must be answered clearly and concisely in the appropriate space on the form. If needed, you may attach additional pages, **but no more than fifteen additional pages**, of standard letter-sized paper. You must identify which part of the complaint is being continued and number all pages. If you do not fill out the form properly, you will be asked to submit additional or corrected information, which may delay the processing of your action. You do not need to cite law.
3. Your Signature. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
4. The Filing and Administrative Fees. The total fees for this action are \$400.00 (\$350.00 filing fee plus \$50.00 administrative fee). If you are unable to immediately pay the fees, you may request leave to proceed in forma pauperis. Please review the “Information for Prisoners Seeking Leave to Proceed with a (Non-Habeas) Civil Action in Federal Court In Forma Pauperis Pursuant to 28 U.S.C. § 1915” for additional instructions.
5. Original and Judge's Copy. You must send an **original plus one copy** of your complaint and of any other documents submitted to the Court. You must send one additional copy to the Court if you wish to have a file-stamped copy of the document returned to you. All copies must be identical to the original. Copies may be legibly handwritten. **This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing.**
6. Where to File. You should file your complaint in the division **where you were confined when your rights were allegedly violated.** See LRCiv 5.1(a) and 77.1(a). If you were confined in Maricopa, Pinal, Yuma, La Paz, or Gila County, file in the Phoenix Division. If you were confined in Apache, Navajo, Coconino, Mohave, or Yavapai County, file in the Prescott Division. If you were confined in Pima, Cochise, Santa Cruz, Graham, or Greenlee County, file in the Tucson Division. **Mail the original and one copy of the complaint with the \$400 filing and administrative fees or the application to proceed in forma pauperis to:**

Phoenix & Prescott Divisions:
U.S. District Court Clerk
U.S. Courthouse, Suite 130
401 West Washington Street, SPC 10
Phoenix, Arizona 85003-2119

OR

Tucson Division:
U.S. District Court Clerk
U.S. Courthouse, Suite 1500
405 West Congress Street
Tucson, Arizona 85701-5010

7. Change of Address. You must immediately notify the Court and the defendants in writing of any change in your mailing address. **Failure to notify the Court of any change in your mailing address may result in the dismissal of your case.**

8. Certificate of Service. You must furnish the defendants with a copy of any document you submit to the Court (except the initial complaint and application to proceed in forma pauperis). Each original document (except the initial complaint and application to proceed in forma pauperis) must include a certificate of service on the last page of the document stating the date a copy of the document was mailed to the defendants and the address to which it was mailed. *See Fed. R. Civ. P. 5(a), (d).* Any document received by the Court that does not include a certificate of service may be stricken. **This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing.**

A certificate of service should be in the following form:

I hereby certify that a copy of the foregoing document was mailed
this _____ (month, day, year) to:

Name: _____

Address: _____

Attorney for Defendant(s)

(Signature)

9. Amended Complaint. If you need to change any of the information in the initial complaint, you must file an amended complaint. The amended complaint must be written on the court-approved civil rights complaint form. You may file one amended complaint without leave (permission) of Court within 21 days after serving it or within 21 days after any defendant has filed an answer, whichever is earlier. *See Fed. R. Civ. P. 15(a).* Thereafter, you must file a motion for leave to amend and lodge (submit) a proposed amended complaint. LRCiv 15.1. In addition, an amended complaint may not incorporate by reference any part of your prior complaint. LRCiv 15.1(a)(2). **Any allegations or defendants not included in the amended complaint are considered dismissed.** All amended complaints are subject to screening under the Prison Litigation Reform Act; screening your amendment will take additional processing time.

10. Exhibits. You should not submit exhibits with the complaint or amended complaint. Instead, the relevant information should be paraphrased. You should keep the exhibits to use to support or oppose a motion to dismiss, a motion for summary judgment, or at trial.

11. Letters and Motions. It is generally inappropriate to write a letter to any judge or the staff of any judge. The only appropriate way to communicate with the Court is by filing a written pleading or motion.

12. Completing the Civil Rights Complaint Form.

HEADING:

1. Your Name. Print your name, prison or inmate number, and institutional mailing address on the lines provided.
2. Defendants. If there are **four or fewer** defendants, print the name of each. If you name **more than four** defendants, print the name of the first defendant on the first line, write the words “and others” on the second line, and attach an additional page listing the names of **all** of the defendants. Insert the additional page after page 1 and number it “1-A” at the bottom.
3. Jury Demand. If you want a jury trial, you must write “JURY TRIAL DEMANDED” in the space below “CIVIL RIGHTS COMPLAINT BY A PRISONER.” Failure to do so may result in the loss of the right to a jury trial. A jury trial is not available if you are seeking only injunctive relief.

Part A. JURISDICTION:

1. Nature of Suit. Mark whether you are filing the complaint pursuant to 42 U.S.C. § 1983 for state, county, or city defendants; “*Bivens v. Six Unknown Federal Narcotics Agents*” for federal defendants; or “other.” If you mark “other,” identify the source of that authority.
2. Location. Identify the institution and city where the alleged violation of your rights occurred.
3. Defendants. Print all of the requested information about each of the defendants in the spaces provided. If you are naming more than four defendants, you must provide the necessary information about each additional defendant on separate pages labeled “2-A,” “2-B,” etc., at the bottom. Insert the additional page(s) immediately behind page 2.

Part B. PREVIOUS LAWSUITS:

You must identify any other lawsuit you have filed in either state or federal court while you were a prisoner. Print all of the requested information about each lawsuit in the spaces provided. If you have filed more than three lawsuits, you must provide the necessary information about each additional lawsuit on a separate page. Label the page(s) as “2-A,” “2-B,” etc., at the bottom of the page and insert the additional page(s) immediately behind page 2.

Part C. CAUSE OF ACTION:

You must identify what rights each defendant violated. The form provides space to allege three separate counts (**one violation per count**). If you are alleging more than three counts, you must provide the necessary information about each additional count on a separate page. Number the additional pages “5-A,” “5-B,” etc., and insert them immediately behind page 5. Remember that you are limited to a total of fifteen additional pages.

1. Counts. You must identify which civil right was violated. **You may allege the violation of only one civil right per count.**
2. Issue Involved. Check the box that most closely identifies the issue involved in your claim. **You may check only one box per count.** If you check the box marked “Other,” you must identify the specific issue involved.
3. Supporting Facts. After you have identified which civil right was violated, you must state the supporting facts. Be as specific as possible. You must state what each individual defendant did to violate your rights. If there is more than one defendant, you must identify which defendant did what act. You also should state the date(s) on which the act(s) occurred, if possible.
4. Injury. State precisely how you were injured by the alleged violation of your rights.
5. Administrative Remedies. You must exhaust any available administrative remedies before you file a civil rights complaint. *See* 42 U.S.C. § 1997e. Consequently, you should disclose whether you have exhausted the inmate grievance procedures or administrative appeals for each count in your complaint. If the grievance procedures were not available for any of your counts, fully explain why on the lines provided.

Part D. REQUEST FOR RELIEF:

Print the relief you are seeking in the space provided.

SIGNATURE:

You must sign your name and print the date you signed the complaint. Failure to sign the complaint will delay the processing of your action. Unless you are an attorney, you may not bring an action on behalf of anyone but yourself.

FINAL NOTE

You should follow these instructions carefully. Failure to do so may result in your complaint being stricken or dismissed. All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number the pages.

Name and Prisoner/Booking Number

Place of Confinement

Mailing Address

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

_____,
(Full Name of Plaintiff)

Plaintiff,

v.

(1) _____,
(Full Name of Defendant)

(2) _____,

(3) _____,

(4) _____,

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. _____
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

- ☐ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☐ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

☐ Other: _____.

2. Institution/city where violation occurred: _____.

B. DEFENDANTS

1. Name of first Defendant: _____. The first Defendant is employed as: _____ at _____.
(Position and Title) (Institution)
2. Name of second Defendant: _____. The second Defendant is employed as: _____ at _____.
(Position and Title) (Institution)
3. Name of third Defendant: _____. The third Defendant is employed as: _____ at _____.
(Position and Title) (Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed as: _____ at _____.
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☐ No
2. If yes, how many lawsuits have you filed? _____. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - b. Second prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - c. Third prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

COUNT II

1. State the constitutional or other federal civil right that was violated: _____
_____.

2. **Count II.** Identify the issue involved. Check **only one**. State additional issues in separate counts.
- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

- ## 5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- b. Did you submit a request for administrative relief on Count II? ☐ Yes ☐ No
- c. Did you appeal your request for relief on Count II to the highest level? ☐ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.

COUNT III

1. State the constitutional or other federal civil right that was violated: _____.

2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.
- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____. | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count III. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

- ## 5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- b. Did you submit a request for administrative relief on Count III? ☐ Yes ☐ No
- c. Did you appeal your request for relief on Count III to the highest level? ☐ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

E. REQUEST FOR RELIEF

State the relief you are seeking:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
DATE

SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.